

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

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**FEB 27 1998**

**PATRICK FISHER**  
Clerk

RONNIE LADALE THOMAS,

Petitioner - Appellant,

v.

J. W. BOOKER,

Respondent - Appellee.

No. 97-1344  
(D.C. No. 97-M-1362)  
(District of Colorado)

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**ORDER AND JUDGMENT\***

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Before **PORFILIO, KELLY**, and **HENRY**, Circuit Judges.

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After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Our review indicates the district court did not err. The motion to appeal without prior payment of costs is **GRANTED**. The judgment is **AFFIRMED** for the reasons stated in the district court's order of dismissal.

ENTERED FOR THE COURT

John C. Porfilio  
Circuit Judge